

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

vs.

**ORDER REQUESTING
CLARIFICATION RE: BCC
DOCUMENTS**

INTERNATIONAL BUSINESS MACHINES, et
al,

Defendant(s).

Currently pending before the Court is defendant IBM's Motion to Compel Plaintiff to Produce Documents in the Possession of the Altheimer & Gray Law Firm. In response to IBM's motion, Miller states that he contacted Myron Lieberman, former partner at Altheimer & Gray, but Mr. Lieberman advised him that the documents were not available. So as to provide clarification as to whether the documents are obtainable, the Court hereby ORDERS as follows:

- 1) No later than April 11, 2006, Miller shall file a declaration attesting under penalty of perjury that all documents sought by IBM, including copies of said documents, are not in his custody or control; and
- 2) No later than April 11, 2006, Miller shall provide a declaration from Mr. Lieberman stating that Miller contacted him and Mr. Lieberman informed him that the documents are not available. So as to assist Miller in obtaining the declaration, Mr. Lieberman's current contact

1 information follows:

2 Myron Lieberman, Of Counsel
3 Greenberg Traurig, LLP
4 77 West Wacker Drive
Suite 2500
Chicago, IL 60601
Telephone: (312) 476-5024
5 Facsimile: (312) 456-8435

6 **IT IS SO ORDERED.**

7
8 Dated: April 3, 2006


9 MARIA ELENA JAMES
United States Magistrate Judge